

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

Juliane M. Iverson, Disability Review and
Appeal Whistleblower,

Plaintiff,

-vs-

VenuWorks/Compass Facilities
Management, Inc./Alerus Center and
Camrud Maddock Olson & Larson Ltd.,

Defendants.

Case No. 2:11-cv-41

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Plaintiff's complaint be dismissed without prejudice for lack of subject matter jurisdiction. Plaintiff filed an interlocutory appeal on May 10, 2011. The Eighth Circuit dismissed the appeal without prejudice for lack of jurisdiction (Doc. #10). Plaintiff has not filed an objection to the Report and Recommendation. To the extent that Plaintiff's Notice of Appeal can be construed as an objection, the Court finds there is no identifiable legal or factual basis for contesting the findings in the Report and Recommendation.

The Court has carefully reviewed the Report and Recommendation, along with the entire file, and finds that the Magistrate Judge's position is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff's complaint is hereby **DISMISSED** without prejudice.

The Court hereby certifies that an appeal from the dismissal of this action may not be taken *in forma pauperis* because such an appeal would be frivolous and cannot be taken in good

faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). Iverson has not alleged any basis for the Court's jurisdiction or any actionable legal theory. A pro se complainant, although granted *in forma pauperis* status, has "no right to prostitute the processes of the court by bringing a frivolous action." Galvan v. Cameron Mut. Ins. Co., 831 F.2d 804, 805 (8th Cir. 1987) (quoting Duhart v. Carlson, 469 F.2d 471, 478 (10th Cir. 1972)). Every pro se litigation as a duty to inquire into whether the claim is worth pursuing further. Id. An otherwise qualified litigant may be denied leave to proceed *in forma pauperis* when the litigant has repeatedly and unsuccessfully filed non-meritorious lawsuits. Douris v. Middletown Twp., 293 Fed.Appx. 130, 132-133 (3d Cir. 2008). The Court finds any appeal taken by Iverson would not be in good faith and, therefore, denies leave to proceed *in forma pauperis*.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 27th day of May, 2011.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court